

**Reply Under 37 C.F.R. § 1.116 – Expedited Procedure**

Serial No.: 09/833,119

Examiner: Fred O Ferris, III

**REMARKS/ARGUMENTS**

Claims 18 through 24 remain in this application. Claims 1 through 17 have been canceled.

The Office Action has indicated that claims 18 through 24 are directed to allowable subject matter. The claim interpretation is objected to the extent that it is not consistent with the understanding of the claims by a person of ordinary skill in the art.

Claims 1 through 17 are patentable over the prior art. As stated by the Examiner, the OPNET analysis tool reference fails to disclose determining the margin of an optical span. The Frigo reference fails to add to the teachings of the OPNET analysis tool reference as it merely describes monitoring “the rate of signal degradation in the individual fibers of an optical communication network.” The Frigo reference is describing an operating network. It is determining an operating system threshold for signal strengths transmitted to ONUs. It can not disclose determining acceptable margins to design changes of an optical span since the disclosed feeder fibers in the Frigo reference are already in operation and installed. However, claims 1 through 17 are canceled to obtain an allowance and protect intellectual property interests in a timely manner.

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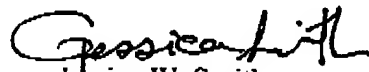
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It is believed that the foregoing amendment places the Application in condition for allowance; therefore, it is respectfully requested that the rejection of the application be withdrawn and full allowance granted. Should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact Jessica Smith to resolve any outstanding issues.

Respectfully submitted,

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